

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

PRIME SUCCESS, L.P.

Petitioner,

v.

SINOVAC BIOTECH LTD., 1GLOBE
CAPITAL LLC, ORBIMED ADVISORS LLC,
ORBIMED CAPITAL LLC, ORBIMED
PARTNERS MASTER FUND LTD.,

Respondents,

and

EQUINITI TRUST COMPANY LLC, CEDE &
CO., AND THE DEPOSITORY TRUST
COMPANY,

Relief Respondents.

Case No. 1:25-cv-04989-RA

**DECLARATION OF MORRIS J. FODEMAN IN SUPPORT OF RESPONDENTS'
OPPOSITION TO PETITIONER PRIME SUCCESS, L.P.'S PETITION FOR
EMERGENCY INJUNCTIVE RELIEF IN AID OF ARBITRATION**

I, Morris J. Fodeman, hereby declare, under penalty of perjury pursuant to 28 U.S.C. § 1746, as follows:

1. I am a member in good standing of the Bar of this Court and a partner at Wilson Sonsini Goodrich & Rosati, P.C., counsel to Respondents Sinovac Biotech Ltd. and 1Globe Capital LLC in the above-captioned action. I submit this declaration based on my personal knowledge and in support of Respondents' Opposition to Petitioner Prime Success, L.P.'s Petition for Emergency Injunctive Relief in Aid of Arbitration.

2. Attached hereto as **Exhibit 1** is a true and correct copy of Sinovac Biotech Ltd.'s annual report for the fiscal year ended December 31, 2023, filed with the SEC on Form 20-F on

April 29, 2024, and available at

<https://www.sec.gov/ix?doc=/Archives/edgar/data/0001084201/000095017024049936/sva-20231231.htm>.

3. Attached hereto as **Exhibit 2** is a true and correct copy of Sinovac Biotech Ltd.'s November 8, 2018 press release, included as Exhibit 99.1 to Sinovac Biotech Ltd.'s Form 6-K filed with the SEC on November 8, 2018 and available at https://www.sec.gov/Archives/edgar/data/1084201/000114420418058119/tv506700_ex99-1.htm.

4. Attached hereto as **Exhibit 3** is a true and correct copy of the Statement of Claim in *Shan Fu v. Sinovac Biotech Ltd.*, Case No. ANUHCV2025/0153, dated April 22, 2025, filed in the Eastern Caribbean Supreme Court in the High Court of Justice in Antigua and Barbuda.

5. Attached hereto as **Exhibit 4** is a true and correct copy of the Notice of Application in *Sinovac Biotech Ltd. et al. v. Vivo Capital LLC et al.*, Case No. ANUHCV2025/0200, dated June 12, 2025, filed by Prime Success, L.P. in the Eastern Caribbean Supreme Court in the High Court of Justice in Antigua and Barbuda.

6. Attached hereto as **Exhibit 5** is a true and correct copy of the Order of the Delaware Chancery Court Denying Request for Trial Date in September 2018, entered on July 31, 2018, in the matter of *Sinovac Biotech Ltd. v. IGlobe Capital, LLC et al.*, C.A. No. 2018-0143-JTL (Del. Ch. 2018).

7. Attached hereto as **Exhibit 6** is a true and correct copy of the Order of the Delaware Chancery Court denying the Proposed Scheduling Order, entered on August 8, 2018, in the matter of *Sinovac Biotech Ltd. v. IGlobe Capital, LLC et al., LLC*, C.A. No. 2018-0143-JTL (Del. Ch. 2018).

I declare under penalty of perjury that the foregoing is true and correct.

Dated: June 16, 2025

Respectfully submitted,

WILSON SONSINI GOODRICH & ROSATI
Professional Corporation

s/ Morris J. Fodeman

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